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April 20, 2022

VIA ECF

The Honorable Sanket J. Bulsara  
United States Magistrate Judge  
United States District Court, Eastern District of New York  
225 Cadman Plaza East  
Chambers 304N  
Brooklyn, New York 11201

Re: Schmitt v. China XD Plastics Company, Limited, et al.  
1:20-cv-06028 (NGG)(SJB)

Dear Magistrate Judge Bulsara:

This firm represents China XD Plastics Company, Limited (“China XD”) and Taylor Zhang (“Zhang”), two of the defendants in the above-captioned action.<sup>1</sup> We submit this letter on behalf of all the defendants with respect to Your Honor’s Order dated April 19, 2022 regarding the defendants’ time to answer or to move to dismiss the Second Amended Complaint. The defendants did, in fact, serve motions to dismiss on the Lead Plaintiff’s counsel in this action on April 15, 2022, the date set forth in the stipulation and order dated February 17, 2022 (Dkt. No. 59).

The motions were served in compliance with the Individual Rules of Judge Nicholas G. Garaufis, the district court judge in this action. Pursuant to Rules (V)(B) of Judge Garaufis’ rules, “[t]he notice of motion and all supporting papers are to be served on the other parties in accordance with the briefing schedule,” but “no motion papers shall be filed until the motion has been fully briefed” and “[o]nce the motion is fully briefed, the original party shall be responsible for filing the full set of papers on ECF.” In compliance with this rule, on Friday, April 15, 2022, the defendants served “notice[s] of motion and all supporting papers” along with “cover letter[s] setting forth whom the movant[s] represent[] and the papers being served.” Also in compliance with these rules, the defendants intend to file the full set of papers on ECF and provide chambers with courtesy copies once the motions are fully briefed.

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<sup>1</sup> In addition to our firm, China XD and Zhang had been represented by another law firm, Lewis Roca Rothberger & Christie LLP in this case but that firm filed a motion to withdraw, which Your Honor granted. (Dkt. No. 60).

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Based on Judge Garaufis' rules, it is defendants' understanding that there should not be any ECF filing of the original motion at this time (before the motion is fully briefed). If that is incorrect, defendants are prepared to file the originals now. If Your Honor requires further information about the service upon Lead Plaintiff and/or defendants' understanding of the filing rules associated with the dismissal motions, Defendants are prepared to provide that information or to make themselves available for a conference call with Your Honor.

Defendants very much appreciate Your Honor's attention to this matter.

Respectfully submitted,

s/ Daniel D. Edelman

Daniel D. Edelman

cc. All Counsel of Record (via ECF)